

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VALINDA GRIER,

Plaintiff,

v.

UNITED COLLECTION BUREAU, INC.,

Defendant.

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Case No. 2:15-cv-12300

COMPLAINT

JURY DEMANDED

Now comes the Plaintiff, VALINDA GRIER, by and through her attorneys, and for her Complaint against the Defendant, UNITED COLLECTION BUREAU INC., Plaintiff alleges and states as follows:

PRELIMINARY STATEMENT

1. This is an action for damages for violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337 and 1367, and 15 U.S.C. § 1692k(d). This jurisdiction includes supplemental jurisdiction with respect to pendent state law claims.

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events and omissions giving rise to this claim occurred in this District.

PARTIES

4. Plaintiff is an individual who was at all relevant times residing in Oak Park, Michigan.

5. Plaintiff is a “consumer” as defined in 15 U.S.C. § 1692a(3), as she is a natural person allegedly obligated to pay a debt.

6. At all relevant times, Defendant acted as a “debt collector” within the meaning of 15 U.S.C. § 1692a(6), in that it held itself out to be a company collecting a consumer debt allegedly owed by Plaintiff.

7. The aforementioned alleged debt is a “debt” within the meaning of 15 U.S.C. § 1692a(5), in that it is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance and/or services which are the subject of the transaction were primarily for personal, family and/or household purposes.

8. On information and belief, Defendant is a corporation of the State of Ohio, which is licensed to business in Michigan, and which has its principal place of business in Toledo, Ohio.

STATEMENTS OF FACTS

9. On or about April 14, 2015, Defendant placed an automated telephone call to Plaintiff’s cellular telephone in an attempt to collect the aforementioned alleged debt. Said telephone call resulted in a voicemail message.

10. On or about April 15, 2015, Plaintiff placed a telephone call to Defendant and informed an employee, agent and/or representative of Defendant that she was represented with respect to the alleged debt and provided her attorneys’ contact information.

11. Despite receiving notice of Plaintiff’s legal representation, on or about April 21, 2015, Defendant placed an automated telephone call to Plaintiff’s cellular telephone in an attempt to collect the alleged debt.

12. On or about April 24, 2015, Defendant placed an automated telephone call to Plaintiff’s cellular telephone in an attempt to collect the alleged debt.

13. On or about May 1, 2015, Defendant caused a collection notice to be sent to Plaintiff in an attempt to collect the alleged debt.

14. In its attempts to collect the alleged debt as outlined above, Defendant damaged Plaintiff and violated the FDCPA.

15. Plaintiff was diagnosed with anxiety in the 1990s. Plaintiff regularly takes one pill of Ativan, a medication used to treat anxiety, per day.

16. As a result of Defendant's actions as outlined above, Plaintiff has suffered and continues to suffer stress, aggravation, emotional distress and mental anguish.

17. As a result of Defendant's actions as outlined above, Plaintiff suffered actual damages. Specifically, Plaintiff experienced increased anxiety and began to take three pills of Ativan per day. This represents an increase of two pills per day over Plaintiff's regular dosage prior to Defendant's acts to collect.

COUNT I

18. Plaintiff incorporates all of the allegations and statements made in paragraphs 1 through 17 above as if reiterated herein.

19. Defendant violated 15 U.S.C. § 1692c(a)(2) by communicating with Plaintiff after Defendant had been advised that Plaintiff was represented by an attorney with respect to the alleged debt.

WHEREFORE, Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages suffered as a direct and proximate result of Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(1);

- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate

COUNT II

20. Plaintiff incorporates all of the allegations and statements made in paragraphs 1 through 17 above as if reiterated herein.

21. Defendant violated 15 U.S.C. § 1692d by engaging in conduct the natural consequence of which was to harass, oppress and/or abuse Plaintiff in connection with the collection of the alleged debt.

WHEREFORE, Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages suffered as a direct and proximate result of Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

COUNT III

22. Plaintiff incorporates all of the allegations and statements made in paragraphs 1 through 17 above as if reiterated herein.

23. Defendant violated 15 U.S.C. § 1692f by using an unfair or unconscionable means to attempt to collect the alleged debt.

WHEREFORE, Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages suffered as a direct and proximate result of Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

COUNT IV

24. Plaintiff incorporates all of the allegations and statements made in paragraphs 1 through 17 above as if reiterated herein.

25. Defendant violated 15 U.S.C. § 1692g(a) by failing to provide a proper notice to Plaintiff within five days after the initial communication with Plaintiff, as required by that section.

WHEREFORE, Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages suffered as a direct and proximate result of Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the FDCPA, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

JURY DEMAND

Plaintiff demands a trial by jury on all issues in this action, except for any issues relating to the amount of attorneys' fees and litigation costs to be awarded should Plaintiff prevail on any of her FDCPA claims in this action.

RESPECTFULLY SUBMITTED,

VALINDA GRIER

By: /s/Morris B. Lefkowitz
Attorney for Plaintiff

Morris B. Lefkowitz
Michigan Attorney No. P31335
Allen Chern Law, PLLC
24100 Southfield Road
Suite 203
Southfield, MI 48075
Phone: (248) 569-0180
Fax: (248) 559-0175
morrie@lefkowitzlawgroup.com